

Notice of Allowability

Application No.

10/735,639

Examiner

Stephen F. Gerrity

Applicant(s)

INADA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone interview of 10/7/2005.
2. ☒ The allowed claim(s) is/are 1-4.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/530,507.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Ms. Jennifer Hayes (applicant's representative) on 7 October 2005.
3. The application has been amended as follows:

In the title of the invention:

Replace the title of the invention with the following new title of the invention:

METHOD OF PACKAGING OCULAR IRRIGATING SOLUTION

In the specification:

Page 1, lines 3-8, replace with the following new headings and new paragraph:

CROSS REFERENCE TO RELATED APPLICATION

This application is a division of United States patent application serial number 09/530,507 filed April 27, 2000, now United States Patent number 6,764,481, which is a National Stage Application filed under §371 of PCT Application No. PCT/JP98/04814, filed October 23, 1998, the above noted prior applications are all hereby incorporated by reference.

TECHNICAL FIELD

In the claims:

Replace claims 1-4 with the following rewritten claims:

1. A method of manufacturing a packaged ocular irrigating solution bag, comprising the steps of:

(1) enclosing in compartment A a solution or solid preparation comprising ~~at least one species selected from~~ oxiglutatione or a mixture of oxiglutatione and dextrose, compartment A being one compartment of a gas-permeable plastic multiple compartment bag comprising at least two compartments;

(2) enclosing in compartment B a bicarbonate ion-containing solution, compartment B being another compartment of the gas-permeable plastic multiple compartment bag;

(3) packaging the gas-permeable plastic multiple compartment bag in a gas-impermeable plastic packaging member; and

(4) in the above packaging step (3), feeding a mixed gas containing carbon dioxide gas into a space between the bag and the packaging member to thereby establish a carbon dioxide gas atmosphere in the space.

2. A method of manufacturing a package ocular irrigating solution bag, comprising the steps of:

(1) enclosing in compartment A a solution or solid preparation comprising ~~at least one species selected from~~ oxiglutatione or a mixture of oxiglutatione and dextrose,

compartment A being one compartment of a gas-permeable plastic multiple compartment bag comprising at least two compartments;

(2) enclosing in compartment B a bicarbonate ion-containing solution, compartment B being another compartment of the gas-permeable plastic multiple compartment bag; and

(3) packaging the gas-permeable plastic multiple compartment bag and a carbon dioxide-generating oxygen scavenger in a gas-impermeable plastic packaging member to thereby establish a carbon dioxide gas atmosphere inside the packaging member.

3. A method of manufacturing a packaged ocular irrigating solution bag, comprising the steps of:

(1) enclosing in compartment A a solution or solid preparation comprising ~~at least one species selected from~~ oxiglutatione or a mixture of oxiglutatione and dextrose, compartment A being one compartment of a gas-permeable plastic multiple compartment bag comprising at least two compartments;

(2) enclosing in compartment B a bicarbonate ion-containing solution, compartment B being another compartment of the gas-permeable plastic multiple compartment bag;

(3) packaging the gas-permeable plastic multiple compartment bag and a pH indicating device in a gas-impermeable plastic packaging member, the pH indicating device comprising a gas-permeable plastic packet containing a bicarbonate ion-

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containing solution and a pH indicator having the property of undergoing a change in color in response to a change in the pH of the solution; and

(4) in the above packaging step (3), feeding a mixed gas containing carbon dioxide gas into a space between the bag and the packaging member to thereby establish a carbon dioxide gas atmosphere in the space.

4. A method of manufacturing a packaged ocular irrigating solution bag, comprising the steps of:

(1) enclosing in compartment A a solution or solid preparation comprising ~~at least one species selected from~~ oxiglutatione or a mixture of oxiglutatione and dextrose, compartment A being one compartment of a gas-permeable plastic multiple compartment bag comprising at least two compartments;

(2) enclosing in compartment B a bicarbonate ion-containing solution, compartment B being another compartment of the gas-permeable plastic multiple compartment bag; and

(3) packaging the gas-permeable plastic multiple compartment bag, a pH indicating device and a carbon dioxide-generating oxygen scavenger in a gas-impermeable plastic packaging member to thereby establish a carbon dioxide gas atmosphere inside the packaging member, the pH indicating device comprising a gas-permeable plastic packet containing a bicarbonate ion-containing solution and a pH indicator having the property of undergoing a change in color in response to a change in the pH of the solution.

Explanation for Examiner's Amendment

4. Applicant's representative contacted the examiner and stated that the applicant agreed to amend claims 1-4 so as to place the application in condition for allowance.

The title of the invention has been amended so that it is consistent with the claimed invention.

The specification has been amended to update the status of the parent application.

The claims have been amended to limit the enclosed solution or solid preparation in compartment A to oxiglutatione or a mixture of oxiglutatione and dextrose. This limitation now found in claims 1-4 is distinguishes the claimed subject matter over the prior art.

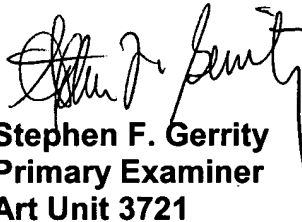
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen F. Gerrity whose telephone number is 571-272-4460. The examiner can normally be reached on Monday - Friday from 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen F. Gerrity
Primary Examiner
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7 October 2005